

58-37a-5 Unlawful acts.

- (1)
 - (a) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body in violation of this chapter.
 - (b) Any person who violates Subsection (1)(a) is guilty of a class B misdemeanor.
- (2)
 - (a) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, any drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body in violation of this act.
 - (b) Any person who violates Subsection (2)(a) is guilty of a class A misdemeanor.
- (3) Any person 18 years of age or older who delivers drug paraphernalia to a person younger than 18 years of age and who is three years or more younger than the person making the delivery is guilty of a third degree felony.
- (4)
 - (a) It is unlawful for any person to place in this state in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement is to promote the sale of drug paraphernalia.
 - (b) Any person who violates Subsection (4)(a) is guilty of a class B misdemeanor.
- (5)
 - (a) A person may not be charged with distribution of hypodermic syringes as drug paraphernalia if at the time of sale or distribution the syringes are in a sealed sterile package and are for a legitimate medical purpose, including:
 - (i) injection of prescription medications as prescribed by a practitioner; or
 - (ii) the prevention of disease transmission.
 - (b) A person may not be charged with possession of hypodermic syringes as drug paraphernalia if the syringe is unused and is in a sealed sterile package.
- (6) A person may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this chapter.

Amended by Chapter 101, 2011 General Session